

REMARKS

Claims 1-12 were pending in the application. Claim 1 is amended to include the limitations of claim 8 and to recite the limitation that the commonly actuatable cold air combination switch is configured to be actuated selectively from the first or second handle grip 8, 9, using one finger. Support for the amendment to claim 1 may be found, for example, in the claims as originally filed and lines 8-26 on page 5 of the specification. Claim 8 is canceled.

Claims 9-11, which originally depended from claim 8, are amended to depend from claim 1. Claims 9-11 are also amended to remove the recitation of "first," "second," and "third," respectively in connection with the recited cold air combination switch in order avoid possible confusion caused by the inclusion of the deleted terms.

Claims 1-7, and 9-12 are amended to recite claim language conforming to common U.S. practice. No new matter is added.

The specification is amended to include recommended headings and subheadings and to include cross-reference to related applications. The specification is also amended to remove reference to specific claims. No new matter is added.

Claims Rejections 35 U.S.C. 102

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Thaler et al. (US 5,727,331). The Examiner's rejection has been carefully considered.

Claim 1, as amended, recited the limitation that the commonly actuatable cold air combination switch is configured to be actuated selectively from the first or second handle grip 8, 9, using one finger. This is distinct from what is disclosed by Thaler, which is a trigger on the handle that can be actuated by one finger when the dryer is

held by the handle (column 2, lines 57-59). The alternate method for actuating the trigger on the handle of the dryer disclosed by Thaler is to rotate a collar (21) having a lip (34) that depresses the trigger (column 3, lines 7-19). This mechanism is clearly identified by Thaler in column 3, lines 47-49, as a second switch. Accordingly, Thaler discloses a dryer comprising two switches, one located on the handle and actuated by a finger on a hand holding the handle and one located on the barrel and actuated by a finger on a hand holding the barrel.

It is clear that the presently claimed hair dryer comprises a single, commonly actuatable cold air combination switch. It is also clear that Thaler discloses a dryer comprising two switches, one switch works directly while the second switch is separate from the first, even if its mode of operation involves an indirect activation of the first switch.

In view of the amendment to claim 1 and the foregoing arguments, Applicant respectfully requests that the rejection of claims 1, and 5-9 under 35 U.S.C. 102(b) be withdrawn.

Claims Rejections 35 U.S.C. 103

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thaler** et al. (US 5,727,331) in view of **Wilson** (US 4,629,864). The Examiner's rejection has been carefully considered.

Claim 1 is amended to include the limitations of claim 8. Since claim 8 is not rejected as being unpatentable over Thaler in view of Wilson, Applicant respectfully requests that the rejection of claims 2-4 as being unpatentable over Thaler in view of Wilson be withdrawn.

Additionally, neither Thaler nor Wilson, alone or in combination, teach or suggest a hair dryer in which a commonly actuatable cold air combination switch is configured to be actuated selectively from the first or second handle grip using one finger.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Thaler** et al. (US 5,727,331) in view of **Berryman** (US 3,612,824). The Examiner's rejection has been carefully considered.

Thaler clearly teaches the use of a second switch mechanically coupled to a separate first switch in order to control the temperature of the hair dryer air stream from either handle. Thaler, if modified according to Berryman, would reasonably result in replacing the trigger used by Thaler with a one- or two- legged toggle switch, but it would still be coupled to a second, separate switch to be selectively actuated from the first or second handle grip 8, 9, using one finger.

Neither Thaler nor Berryman teach or suggest a single switch located such that it can be selectively actuated from the first or second handle grip 8, 9, using one finger.

In view of the amendment to claim 1 and the foregoing arguments, Applicant respectfully requests that the rejection of claims 10-12 under 35 U.S.C. 103(a) be withdrawn.

Conclusion

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700